

EXPRESS MAIL LABEL NO. EE 897357979 US

PATENT APPLICATION
Docket No: 2409.3273.2US

#7RA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Anticipated Classification
Class 604 Sub Class 43

Parent Application:

Examiner: Ronald K. Stright, Jr.
Art Unit: 3306

BOX: PATENT APPLICATION
Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

TRANSMITTAL FOR CONTINUATION APPLICATION

Sir:

This is a request for filing a continuation application under 37 C.F.R. § 1.60, of pending prior application Serial No. 481,169 of Geoffrey S. Martin et al. for MULTIPLE LUMEN CATHETER (hereinafter "the Parent Application") that was filed on June 7, 1995.

A. Enclosures.

Toward that end enclosed are the following documents:

- x A complete copy of the Parent Application, as originally filed comprising 30 pages of text, including a cover page.
- x Drawings as originally filed with the Parent Application comprising nine (9) sheets of informal figures.
- x A Declaration at page 5 hereof verifying that, with the exception of the cover page, the above-listed application and drawings are true copies of the same filed in the Parent Application.

x A copy of the following documents from the Parent Application relative to oath or declaration as originally filed therein:

 x Combined Declaration and Power of Attorney dated November 30, 1995;

 x Declaration Under 37 C.F.R. § 1.47(a) dated November 30, 1995, with Schedule A attached; and

 x Decision According Status Under 37 C.F.R. § 1.47(a) dated July 2, 1996.

 A verified statement to establish small entity status under 37 C.F.R. §§ 1.9 and 1.27 is enclosed.

 x A Certificate of Mailing by "Express Mail" certifying a filing date for the enclosed application by use of Express Mail Label No. EM061016724US.

 x For effecting amendments to the specification or claims prior to an examination on the merits, also enclosed are the following:

 x A Preliminary Amendment;

 x A Transmittal for Preliminary Amendment containing a fee calculation; and

 Check No. _____ in the amount of _____ comprising the fee for extra claims, if required.

 x Check No. 10271 in the amount of \$790.00 comprising the filing fee.

 x An Associate Power of Attorney.

B. Instructions.

a x Cancel in this application original Claims 2-23 of the Parent Application before calculating the filing fee.

x Amend the specification by deleting lines 2-5 on page 1 and substituting therefor the following: ~~This application is a continuation application of copending United States Patent Application Serial No. 481,169 that was filed on June 7, 1995 (hereinafter "the Parent Application"), and that issued as United States Patent No. 5,797,869 on August 25, 1998. The Parent Application is a continuation application of United States Patent Application Serial No. 205,331 that was filed on March 3, 1994, (hereinafter "the Grandparent Application"), and that issued as United States Patent No. 5,472,417 on December 5, 1995. The Grandparent Application is a continuation application of United States Patent Application Serial No. 785,351 that was filed on October 30, 1991, (hereinafter "the Great-Grandparent Application") and that is now abandoned. The Great-Grandparent Application is a continuation application of United States Patent Application Serial No. 288,364 that was filed on December 27, 1988, (hereinafter "the "Great-Great-Grandparent Application"), and that issued as United States Patent No. 5,195,962 on March 23, 1993. This application is also related to United States Patent Application Serial No. 699,421 that was filed on May 31, 1991, as a divisional application of the Great-Great-Grandparent Application and that issued as United States Patent No. 5,135,599 on August 4, 1992.~~

— Transfer the drawings from the Parent Application to this application, and abandon the Parent Application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the file of the Parent Application.

x Please address all future correspondence in connection with the above-identified patent application to the attention of:

Kent S. Burningham, Esq.
TRASK, BRITT & ROSSA
525 South 300 East
Salt Lake City, Utah 84111
Telephone: (801) 532-1922
Toll Free: (800) 900-2001
Facsimile: (801) 531-9168

C. Averments.

— Priority of Application Serial No. _____ filed on _____ in _____ (country) is claimed under 35 U.S.C. § 119.

— The certified copy of the priority documents has been filed in Parent Application Serial No. _____, filed _____ date.

— A Verified Statement to Establish Small Entity Status was filed in the Parent Application and such status is still proper and desired.

x The Parent Application is assigned of record to VAS-CATH INCORPORATED by the cumulative effect of two (2) documents recorded individually at Reel 5256, frames 304-305, and Reel 5311, frames 979-982.

 x The power of attorney currently in effect in the Parent Application is to:

| | |
|---------------------|-----------------|
| David V. Trask | Reg. No. 22,012 |
| William S. Britt | Reg. No. 20,969 |
| Thomas J. Rossa | Reg. No. 26,799 |
| Laurence B. Bond | Reg. No. 30,549 |
| Joseph A. Walkowski | Reg. No. 28,765 |
| James R. Duzan | Reg. No. 28,393 |
| Allen C. Turner | Reg. No. 33,041 |
| Kent S. Burningham | Reg. No. 30,453 |
| Julie K. Morriss | Reg. No. 33,263 |
| Robert G. Winkle | Reg. No. 37,474 |
| Patrick McBride | Reg. No. 39,295 |
| Edgar R. Cataxinos | Reg. No. 39,931 |
| Keith Hargrove | Reg. No. 34,836 |

_____ The power appears in the originally filed papers of the Parent Application.

 x Since the power does not appear in the originally filed papers of the Parent Application, a copy of the power currently in effect in the Parent Application is enclosed, in the form of the Substitute Power of Attorney executed on July 17, 1997, with Exhibits A-E attached thereto.

D. Payments

The filing fee has been calculated as shown below for other than a small entity applicant.

| | | | SMALL ENTITY | | OTHER THAN A SMALL ENTITY | | |
|---------------------------------------|-----------|-----------|--------------|--------|------------------------------|-------|--------|
| FOR | NO. FILED | NO. EXTRA | RATE | FEE | OR | RATE | FEE |
| BASIC FEE | | | | \$ 395 | | | \$ 790 |
| TOT. CLAIMS | 1 -20= | 0 | X 11= | \$ | OR | X 22= | \$ 0 |
| IND. CLAIMS | 1 - 3= | 0 | X 38= | \$ | OR | X 76= | \$ 0 |
| MULTIPLE DEPENDENT CLAIM PRESENTED | | | | | | | |
| | | | +120= | \$ | OR | +240= | \$ 0 |
| TOTAL | | | | \$ | OR | TOTAL | \$ 790 |

— Please debit Deposit Account No. 20-1469 in the amount of \$_____ for the government filing fee. Triplicate copies of this sheet are attached.

x The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 20-1469. Copies in duplicate of this sheet are enclosed.

x Any additional filing fees required under 37 C.F.R. § 1.16.

x Any patent application processing fees under 37 C.F.R. § 1.17.

x The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-3178. Copies in triplicate of this sheet are enclosed.

x Any patent application processing fees under 37 C.F.R. § 1.17.

— The issue fee set forth in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b).

x Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.

DECLARATION

I hereby certify that, with the exception of the cover page, the attached papers are a true copy of the prior United States Patent Application Serial No. 481,169 that was filed on June 7, 1995.

The undersigned declares further that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED this 25th day of August 1998.

Respectfully submitted,



KENT S. BURNINGHAM, ESQ.

Attorney for Applicant
Registration No. 30,453

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